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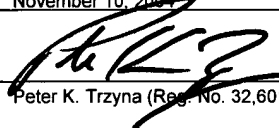
I hereby certify that this correspondence is being filed by facsimile with a confirmation copy being filed by depositing it with the United States Postal Service as first class mail in an envelope with sufficient postage and addressed to Box: No Fee Response, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

PATENT

Paper No.

File: Carr-P1-00

Date: November 10, 2004

Signed: 
Peter K. Trzyna (Reg. No. 32,601)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors	:	Philip Carragher, Steven Earl Webster
Serial No.	:	09/604,696
Filed	:	June 26, 2000
For	:	SYSTEM FOR CARD ACTIVITY-BASED MORTGAGE CREDITING
Group Art Unit	:	3624
Examiner	:	Karmis, Stefanos

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

TRANSMITTAL LETTER

S I R :

Transmitted herewith for filing in the above-identified patent application is the following:

1. Supplemental Response.


APPLICANT CLAIMS SMALL ENTITY STATUS. The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

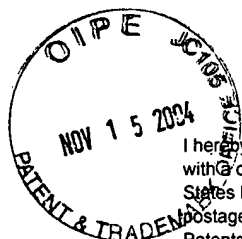
Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date: November 10, 2004

P.O. Box 7131
Chicago, IL 60680-7131
(312) 240-0824


Peter K. Trzyna
(Reg. No. 32,601)



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SUPPLEMENTAL RESPONSE

S I R :

In response to the Office Action mailed 8 August 2004 in the above-referenced patent application, please reconsider the application in view of the amendment and the remarks set forth below.

In said Office Action, the Examiner contends that the Amendment and Response filed 6 May 2004 is not fully responsive as being non-compliant with 37 CFR Sec. 1.111 because the remarks do not include arguments pointing out specific distinctions believed to render the added new claims patentable over the applied reference.

In response, it is respectfully submitted that the statutes do not require Applicant to establish patentability of an unrejected claim, especially where the rejection is premised on unsupported Official Notice (see, e.g., claims 3, 6, etc.).

35 USC Sec. 102 provides that an Applicant is entitled to a patent "unless...." This places a burden of proof on the U.S. Patent and Trademark Office for withholding a patent. Citation of art as to some of the claims does not change the statutory burden as to other claims. Therefore, respectfully, to the extent that Sec. 1.111 requires an Applicant to establish patentability of an unrejected claim, especially a claim rejected not on cited art but on unsupported Official Notice, that rule exceeds the statutory authority of the U.S. Patent and Trademark Office.

Note that under the present circumstance, Applicant does not know what statutory basis the U.S. Patent and Trademark Office might use to apply cited art against the claims, and thus does not know whether a specific distinction should be made in the context of any or all of Secs. 102 and/or 103 or some other statute. Applicant does not know how Official Notice might be applied to the new claims, and indeed has previously requested a reference to support such Notice. Not knowing the complete evidentiary basis for a potential future rejection and not knowing the statutory basis for such rejection practically undermines the Applicant's ability to argue patentability.

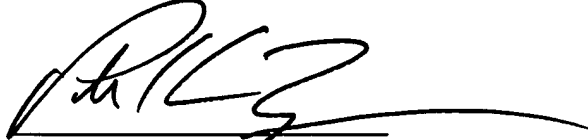
While all claims, new and old, mention a reward related to a mortgage, and such has not been shown in any of the art cited against the old claims, it is respectfully submitted that it is not practicable or statutorily appropriate to require an Applicant to argue patentability of an unrejected claim under unknown statutory application, and unsupported Official Notice.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time or other petition is needed to reply to said office action and maintain

prosecution, this shall be deemed a petition therefor.

If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Trzyna', with a long horizontal flourish extending to the right.

Peter K. Trzyna
(Reg. No. 32,601)

Date: November 10, 2004

P.O. Box 7131
Chicago, IL 60680-7131